

Stephen K. Brunk, Esq. (Bar No. 53238)  
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 La Jolla, California 92037  
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Attorney for defendant AVCO Corporation

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANNE CROWE, Individually, and as Successor-  
 in-Interest to JOSEPH CROWE, Deceased; and  
 ANNE CROWE, JULIE SHIELDS, JOSEPH  
 CROWE, III, and SEAN CROWE, as Legal Heirs  
 of JOSEPH CROWE, Decased,

Plaintiffs,

vs.

ASBESTOS DEFENDANTS (BP) As Reflected  
 on Exhibits B, C, H, and I; and DOES 1-8500.

Defendants.

CASE NO.

NOTICE OF REMOVAL OF ACTION  
 UNDER 28 U.S.C. § 1442 (a)(1)  
 [Federal Officer Removal Jurisdiction]

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that defendant AVCO Corporation, served herein as Doe 5,  
 hereby removes to this Court the state court action described below.

1. On a date believed to be on or about October 29, 2002, an action was commenced  
 in the Superior Court of the State of California, County of San Francisco, entitled Joseph  
 Crowe, Jr. and Anne Crowe v. Asbestos Defendants (BHC), case no. 414146 (the "original  
 complaint"). A First Amended Complaint (the "amended complaint") in said action was filed on  
 or about July 2, 2003. In accordance with 28 U.S.C. § 1446 (a), copies of all the pleadings  
 and papers served upon defendant AVCO Corporation ("AVCO") are attached as Exhibit A.

2. Defendant AVCO was served in that case with the amended complaint on August

1 18, 2004 as Doe 5 through its registered agent for service of process in California. Copies of  
2 the served summons and transmittal to defendant AVCO are attached as Exhibit B. This Notice  
3 of Removal is therefore timely under 28 U.S.C. § 1446(b). Murphy Brothers, Inc. v. Michetti  
4 Pipe Stringing, Inc., 526 U.S. 344 (1999).

#### 5 INTRADISTRICT ASSIGNMENT

6 3. Venue of this removed action is proper pursuant to 28 U.S.C. § 1442 (a) because  
7 this Court is the United States District Court for the district and division embracing the place  
8 wherein the removed action was pending.

#### 9 UNDERLYING FACTS

10 4. The original complaint was served on defendant Textron, Inc. ("Textron"), and its  
11 named alternate entity "Textron Lycoming," on December 10, 2002 and was removed to this  
12 Court, under 28 U.S.C. § 1442 (a)(1), by Textron on December 27, 2002 and assigned case  
13 no. C02-5950 PJH. Defendant AVCO is a wholly owned subsidiary of Textron. By stipulation  
14 of plaintiffs' counsel and Textron's counsel, defendant Textron and alternate entities Lycoming  
15 Turbine Engine and Textron Lycoming Turbine Engine were dismissed by plaintiffs Joseph  
16 Crowe and current plaintiff Anne Crowe with prejudice, and the matter was remanded to the  
17 California Superior Court.

18 5. The amended complaint is an action for survival, loss of consortium, and wrongful  
19 death arising out of the the alleged exposure of Joseph Crowe ("Mr. Crowe") to asbestos over  
20 his 62 year lifetime. Exhibit A to the amended complaint details the circumstances of Mr.  
21 Crowe's alleged exposure to asbestos. The only products manufactured by defendant AVCO  
22 to which Mr. Crowe could have been exposed during his work history outlined in Exhibit A to  
23 the amended complaint were aircraft engines supplied by Lycoming, a division of AVCO, to the  
24 United States Air Force and United States Coast Guard while Mr. Crowe was a military  
25 helicopter pilot. All of of those Lycoming aircraft engines were manufactured and delivered to  
26 the United States, under the control and direction of Federal officers, pursuant to contracts and  
27 specifications mandated by the United States.

## JURISDICTION

6. The federal officer removal statute, 28 U.S.C. § 1442 (a)(1), provides a basis for removal jurisdiction over this civil action because at all times and for all events relevant, defendant AVCO was an entity acting under an officer of the United States under color of such office. See, Winters v. Diamond Shamrock Chemical Co., 149 F.3d 387 (5th Cir. 1998), cert. denied, 526 U.S. 1034 (1999); Magnin v. Teledyne Continental Motors, 91 F.3d 1424 (11th Cir. 1996); Lopez v. Three Rivers Elec. Co-op, 166 F.R.D. 411, 412 (E.D. Mo. 1996); Jones v. Three Rivers Elec. Co-op, 166 F.R.D. 413, 414 (E.D. Mo. 1996). Furthermore, § 1442(a) authorizes such a removal without the consent of any other defendant. See, Ely Valley Mines, Inc. v. Hartford Accident & Indem. Co., 64 F.2d 1310, 1315 (9th Cir. 1981) ("federal officer...can remove without other defendants joining in the petition, and the entire case is removed to the federal court.")

## GROUNDS FOR REMOVAL

7. During all times mentioned by plaintiffs in their complaint when Mr. Crowe was allegedly exposed to asbestos while serving in the military as a helicopter pilot, the only products designed and manufactured by AVCO to which Mr. Crowe could have been exposed were products manufactured and delivered under contract with the United States government and pursuant to precise military specifications over which the United States, and its officer/employees, had control. Those specifications called out every design detail and controlled the design and manufacture of those military products. Consequently, AVCO was "acting under" an officer of the United States when it designed and manufactured the military aircraft engines in question. Those actions of defendant AVCO, then, are inseparable from the pervasive government specifications, regulations, and oversight, and a clear nexus exists between AVCO's actions at the direction of the government and plaintiffs' claims for relief in the removed action.

8. AVCO's answer, being filed separately and contemporaneously with the Notice of Removal, sets out, as its Second Affirmative Defense, the "government contractor defense," articulated by the United States Supreme Court in Boyle v. United Technologies, Inc., 487 U.S.



500 (1988) and the cases that have followed it, including Kerstetter v. Pacific Scientific Co.,  
210 F.3d 431 (5th Cir. 2000), Tate v. Boeing Helicopters, 140 F.3d 654 (6th Cir. 1998), Tate  
v. Boeing Helicopters, 55 F.3d 1150 (6th Cir. 1995), Harduvel v. General Dynamics Corp., 878  
F.2d 1311 (11th Cir. 1989), and Ramey v. Martin Baker Aircraft Co., 874 F.2d 946 (4th Cir.  
1989). That defense is based upon the fact that it was the United States that controlled and  
approved the design of the military products at issue. Defendant AVCO, then, has a "colorable"  
defense under Federal law related its claim of immunity to civil prosecution for actions that it  
was directed to take by Officers of the United States.

#### NOTICE GIVEN

9. Pursuant to 28 U.S.C. § 1446(d), defendant AVCO is serving this Notice of  
Removal on counsel for the plaintiffs in the amended complaint and Designated Defense  
Counsel in the state court action and is filing a copy of this Notice with the Clerk of the  
Superior Court for the County of San Francisco.

Dated: 9/16/04

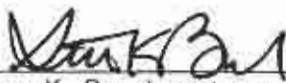
  
\_\_\_\_\_  
Stephen K. Brunk, attorney for  
defendant AVCO Corporation

EXHIBIT A

1 DAVID R. DONADIO, ESQ., S.B. #154436  
 2 BRAYTON ♦ PURCELL  
 3 Attorneys at Law  
 4 222 Rush Landing Road  
 5 P.O. Box 6169  
 6 Novato, California 94948-6169  
 7 (415) 898-1555

8 Attorneys for Plaintiffs

9 SUPERIOR COURT OF CALIFORNIA  
 10 COUNTY OF SAN FRANCISCO

11 ANNE CROWE, Individually, and as  
 12 Successor-in-Interest to JOSEPH CROWE,  
 13 Deceased; and ANNE CROWE, JULIE  
 14 SHIELDS, JOSEPH CROWE, III, and  
 15 SEAN CROWE, as Legal Heirs of  
 16 JOSEPH CROWE, Deceased,

17 Plaintiffs,

18 vs.

19 ASBESTOS DEFENDANTS (BHC)

No. 414146

AMENDMENT TO COMPLAINT

[C.C.P. Section 474]

20 Plaintiffs amend the complaint in this action as follows:

21 Plaintiffs have learned the true names of the defendants designated in the complaint as  
 22 fictitious DOES as set forth below:

23 <u>TRUE NAME</u>	<u>FICTITIOUS NAME</u>
24 ROLLS-ROYCE, PLC	DOE 3
25 ALTERNATE ENTITIES:	
26 ALLISON ENGINE COMPANY, INC.	
27 KAMAN INDUSTRIAL TECHNOLOGIES CORPORATION	DOE 4
28 ALTERNATE ENTITIES:	
KAMAN BEARING AND SUPPLY CORP. CALIFORNIA	
KAMAN AIRCRAFT BEARING CORPORATION	
WINN SUPPLY COMPANY	

///

1 AVCO CORPORATION

DOE 5

2  
3 CURTISS-WRIGHT CORPORATION  
ALTERNATE ENTITIES:

DOE 6

4 WRIGHT AERONAUTICAL  
5 WRIGHT AERO  
6 CURTIS AIRCRAFT

7 RAYTHEON COMPANY

DOE 7

8 ALTERNATE ENTITIES:

9 HUGHES AIRCRAFT COMPANY  
10 RAYTHEON SYSTEMS - SOUTH CAROLINA  
11 HUGHES AIRCRAFT - SOUTH CAROLINA  
12 BEECH AIRCRAFT CORPORATION  
13 KENLES ENGINEERS AND CONSTRUCTORS, INC.  
14 WOLDER ENGINEERS AND CONSTRUCTORS, INC.  
15 WOLDER ENGINEERING CORPORATION  
16 JACOBS ENGINEERING  
17 ESICORP, INC.  
18 ENSERCH CORPORATION  
19 EBASCO SERVICES INCORPORATED E & L ASSOCIATES  
20 EHRHART & LESTER ASSOCIATES

21 BOEING COMPANY, THE

DOE 8

22 ALTERNATE ENTITIES:

23 BOEING NORTH AMERICAN, INC.  
24 McDONNELL DOUGLAS CORPORATION  
25 DOUGLAS AIRCRAFT CO.  
26 COLLINS RADIO COMPANY  
27 ROCKWELL INTERNATIONAL CORPORATION  
28 ROCKWELL INTERNATIONAL CORPORATION,  
MEASUREMENT AND FLOW CONTROL DIVISION  
AUTONETICS, INC.  
ROCKETDYNE  
ROCKWELL MANUFACTURING COMPANY  
ROCKWELL-STANDARD, INC.  
ROCKWELL SPRING & AXLE CO.  
ROCKWELL SPRING & AXLE CO.,  
TIMKEN-DETROIT AXEL DIVISION  
NORTH AMERICAN ROCKWELL  
NORTH AMERICAN AVIATION, INC.  
NAVION  
VERTOL CORPORATION  
BOEING VERTOL COMPANY  
BOEING AIRPLANE COMPANY

29 CONTINENTAL

DOE 9

30 ///

1  
2 FRANKLIN ENGINES

DOE 10

3 Plaintiffs hereby substitute such true names for the fictitious names as set forth above  
4 wherever said names appear in the complaint.

5 Dated: 7/29/07

BRAYTON ♦ PURCELL

6 By: [Signature]

David R. Donadio  
Attorneys for Plaintiffs



—UNLESS YOU ARE APPLYING, OR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585—

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): David R. Donadio, Esq., S.B. #154436 BRAYTON $\diamond$ PURCELL 222 Rush Landing Road, P.O. Box 6169 Novato, California 94948-6169 ATTORNEY FOR (name) <u>Plaintiffs</u>		TELEPHONE NO. (415) 898-1555 FAX NO. (415) 898-1247	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:			
PLAINTIFF: ANNE CROWE, et al. DEFENDANT: ASBESTOS DEFENDANTS (B $\diamond$ P)			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)		CASE NUMBER 414146	

To (name of one defendant only): **AVCO CORPORATION**

Plaintiff (name of one plaintiff only): ANNE CROWE

seeks damages in the above-entitled action, as follows:

		AMOUNT
<b>1. General damages:</b>		
a. <input type="checkbox"/>	Pain, suffering, and Inconvenience .....	\$ .....
b. <input type="checkbox"/>	Emotional distress .....	\$ .....
c. <input checked="" type="checkbox"/>	Loss of consortium .....	\$ <u>500,000.00</u>
d. <input type="checkbox"/>	Loss of society and companionship ( <i>wrongful death actions only</i> ) .....	\$ .....
e. <input type="checkbox"/>	Other ( <i>specify</i> ) .....	\$ .....
f. <input type="checkbox"/>	Other ( <i>specify</i> ) .....	\$ .....
g. <input type="checkbox"/>	Continued on Attachment 1.g.	
<b>2. Special damages</b>		
a. <input type="checkbox"/>	Medical expenses ( <i>to date</i> ) .....	\$ .....
b. <input type="checkbox"/>	Future medical expenses ( <i>present value</i> ) .....	\$ .....
c. <input type="checkbox"/>	Loss of earnings ( <i>to date</i> ) .....	\$ .....
d. <input type="checkbox"/>	Loss of future earning capacity ( <i>present value</i> ) .....	\$ .....
e. <input type="checkbox"/>	Property damage .....	\$ .....
f. <input type="checkbox"/>	Funeral expenses ( <i>wrongful death actions only</i> ) .....	\$ .....
g. <input type="checkbox"/>	Future contributions ( <i>present value</i> ) ( <i>wrongful death actions only</i> ) .....	\$ .....
h. <input type="checkbox"/>	Value of personal service, advice, or training ( <i>wrongful death actions only</i> ) .....	\$ .....
i. <input type="checkbox"/>	Other ( <i>specify</i> ) .....	\$ .....
j. <input type="checkbox"/>	Other ( <i>specify</i> ) .....	\$ .....
k. <input type="checkbox"/>	Continued on Attachment 2.k.	
3. <input checked="" type="checkbox"/>	<b>Punitive damages:</b> Plaintiff reserves the right to seek punitive damages in the amount of ( <i>specify</i> ) .....	\$ <u>5,000,000.00</u>
		when pursuing a judgment in the suit filed against you.

Date: \_\_\_\_\_

David R. Donadio

(TYPE OR PRINT NAME)

/s/ David R. Donadio

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)

A-4

DO NOT FILE WITH THE COURT

—UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585—

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address): David R. Donadio, Esq., S.B. #154436 BRAYTON & PURCELL 222 Rush Landing Road, P.O. Box 6169 Novato, California 94948-6169 ATTORNEY FOR (NAME) <u>Plaintiffs</u>		TELEPHONE NO. (415) 898-1555 FAX NO. (415) 898-1247	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS 400 McAllister Street MAILING ADDRESS CITY AND ZIP CODE San Francisco, CA 94102 BRANCH NAME			
PLAINTIFF: ANNE CROWE, et al. DEFENDANT: ASBESTOS DEFENDANTS (B & P)			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)		CASE NUMBER: 414146	

To (name of one defendant only): AVCO CORPORATION

Plaintiff (name of one plaintiff only): JULIE SHIELDS

seeks damages in the above-entitled action, as follows:

	AMOUNT
<b>1. General damages</b>	
a. <input type="checkbox"/> Pain, suffering, and inconvenience	\$ _____
b. <input type="checkbox"/> Emotional distress	\$ _____
c. <input type="checkbox"/> Loss of consortium	\$ _____
d. <input checked="" type="checkbox"/> Loss of society and companionship (wrongful death actions only)	\$ <u>200,000.00</u>
e. <input type="checkbox"/> Other (specify) _____	\$ _____
f. <input type="checkbox"/> Other (specify) _____	\$ _____
g. <input type="checkbox"/> Continued on Attachment 1.g.	
<b>2. Special damages</b>	
a. <input type="checkbox"/> Medical expenses (to date)	\$ _____
b. <input type="checkbox"/> Future medical expenses (present value)	\$ _____
c. <input type="checkbox"/> Loss of earnings (to date)	\$ _____
d. <input type="checkbox"/> Loss of future earning capacity (present value)	\$ _____
e. <input type="checkbox"/> Property damage	\$ _____
f. <input type="checkbox"/> Funeral expenses (wrongful death actions only)	\$ _____
g. <input checked="" type="checkbox"/> Future contributions (present value) (wrongful death actions only)	\$ <u>200,000.00</u>
h. <input checked="" type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only)	\$ <u>200,000.00</u>
i. <input type="checkbox"/> Other (specify) _____	\$ _____
j. <input type="checkbox"/> Other (specify) _____	\$ _____
k. <input type="checkbox"/> Continued on Attachment 2.k.	
3. <input checked="" type="checkbox"/> <b>Punitive damages:</b> Plaintiff reserves the right to seek punitive damages in the amount of (specify) \$ <u>1,000,000.00</u>	
when pursuing a judgment in the suit filed against you.	

Date:

AUG 09 2004

David R. Donadio

(TYPE OR PRINT NAME)

/s/ David R. Donadio

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)

A-5

—UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER RULE OF CIVIL PROCEDURE § 585—

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): David R. Donadio, Esq., S.B. #154436 BRAYTON & PURCELL 222 Rush Landing Road, P.O. Box 6169 Novato, California 94948-6169		TELEPHONE NO.: (415) 898-1555 FAX NO.: (415) 898-1247	FOR COURT USE ONLY
ATTORNEY FOR (name): Plaintiffs			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:			
PLAINTIFF: ANNE CROWE, et al. DEFENDANT: ASBESTOS DEFENDANTS (B & P)			
<b>STATEMENT OF DAMAGES</b> (Personal Injury or Wrongful Death)		CASE NUMBER:  414146	

To (name of one defendant only): **AVCO CORPORATION**  
 Plaintiff (name of one plaintiff only): **JOSEPH CROWE, III**  
 seeks damages in the above-entitled action, as follows:

### 1. General damages

AMOUNT

- |  |  |    |            |
|--|--|----|------------|
| a. <input type="checkbox"/>            | Pain, suffering, and inconvenience                                       | \$ |            |
| b. <input type="checkbox"/>            | Emotional distress   | \$ |            |
| c. <input type="checkbox"/>            | Loss of consortium   | \$ |            |
| d. <input checked="" type="checkbox"/> | Loss of society and companionship ( <i>wrongful death actions only</i> ) | \$ | 200,000.00 |
| e. <input type="checkbox"/>            | Other (specify) .....  | \$ |            |
| f. <input type="checkbox"/>            | Other (specify) .....  | \$ |            |
| g. <input type="checkbox"/>            | Continued on Attachment 1.g.   |    |            |

## 2. Special damages

- |    |                                     |  |    |            |
|----|-------------------------------------|--|----|------------|
| a. | <input type="checkbox"/>            | Medical expenses (to date)   | \$ |            |
| b. | <input type="checkbox"/>            | Future medical expenses (present value)                                      | \$ |            |
| c. | <input type="checkbox"/>            | Loss of earnings (to date)   | \$ |            |
| d. | <input type="checkbox"/>            | Loss of future earning capacity (present value)                              | \$ |            |
| e. | <input type="checkbox"/>            | Property damage  | \$ |            |
| f. | <input type="checkbox"/>            | Funeral expenses (wrongful death actions only)                               | \$ |            |
| g. | <input checked="" type="checkbox"/> | Future contributions (present value) (wrongful death actions only)           | \$ | 200,000.00 |
| h. | <input checked="" type="checkbox"/> | Value of personal service, advice, or training (wrongful death actions only) | \$ | 200,000.00 |
| i. | <input type="checkbox"/>            | Other (specify)  | \$ |            |
| j. | <input type="checkbox"/>            | Other (specify)  | \$ |            |
| k. | <input type="checkbox"/>            | Continued on Attachment 2.k  |    |            |

3. ☒ **Punitive damages:** Plaintiff reserves the right to seek punitive damages in the amount of (specify) : \$ 1,000,000.00  
when pursuing a judgment in the suit filed against you.

Date: \_\_\_\_\_

AUG 09 2004

David R. Donadio  
(TYPE OR PRINT NAME)

/s/ David R. Donadio

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)



—UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER RULE OF CIVIL PROCEDURE § 585—

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) David R. Donadio, Esq., S.B. #154436 BRAYTON <PURCELL 222 Rush Landing Road, P.O. Box 6169 Novato, California 94948-6169 ATTORNEY FOR (Name) Plaintiffs	TELEPHONE NO. (415) 898-1555 FAX NO. (415) 898-1247	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:		
PLAINTIFF: ANNE CROWE, et al. DEFENDANT: ASBESTOS DEFENDANTS (B<P)		
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)		CASE NUMBER 414146

To (name of one defendant only): **AVCO CORPORATION**  
 Plaintiff (name of one plaintiff only): **SEAN CROWE**  
 seeks damages in the above-entitled action, as follows:

		AMOUNT
<b>1. General damages:</b>		
a. <input type="checkbox"/>	Pain, suffering, and inconvenience	\$ _____
b. <input type="checkbox"/>	Emotional distress	\$ _____
c. <input type="checkbox"/>	Loss of consortium	\$ _____
d. <input checked="" type="checkbox"/>	Loss of society and companionship ( <i>wrongful death actions only</i> )	\$ <u>200,000.00</u>
e. <input type="checkbox"/>	Other ( <i>specify</i> )	\$ _____
f. <input type="checkbox"/>	Other ( <i>specify</i> )	\$ _____
g. <input type="checkbox"/>	Continued on Attachment 1.g.	
<b>2. Special damages:</b>		
a. <input type="checkbox"/>	Medical expenses ( <i>to date</i> )	\$ _____
b. <input type="checkbox"/>	Future medical expenses ( <i>present value</i> )	\$ _____
c. <input type="checkbox"/>	Loss of earnings ( <i>to date</i> )	\$ _____
d. <input type="checkbox"/>	Loss of future earning capacity ( <i>present value</i> )	\$ _____
e. <input type="checkbox"/>	Property damage	\$ _____
f. <input type="checkbox"/>	Funeral expenses ( <i>wrongful death actions only</i> )	\$ _____
g. <input checked="" type="checkbox"/>	Future contributions ( <i>present value</i> ) ( <i>wrongful death actions only</i> )	\$ <u>200,000.00</u>
h. <input checked="" type="checkbox"/>	Value of personal service, advice, or training ( <i>wrongful death actions only</i> )	\$ <u>200,000.00</u>
i. <input type="checkbox"/>	Other ( <i>specify</i> )	\$ _____
j. <input type="checkbox"/>	Other ( <i>specify</i> )	\$ _____
k. <input type="checkbox"/>	Continued on Attachment 2.k.	
<b>3. <input checked="" type="checkbox"/> Punitive damages:</b> Plaintiff reserves the right to seek punitive damages in the amount of ( <i>specify</i> )		\$ <u>1,000,000.00</u>
when pursuing a judgment in the suit filed against you.		

Date: AUG 09 2004

/s/ David R. Donadin

David R. Donadio  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
 (SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)



ATTORNEY OR PARTY WITHOUT ATTORNEY <i>Name and Address</i> DAVID R. DONADIO, ESQ., STATE BAR NO. 154436 BRAYTON+PURCELL 222 Rush Landing Road Novato, California 94948-6169 Attorney for (Name): Plaintiff(s)		TELEPHONE NO.: (415) 898-1555
INSERT NAME OF COURT, JUDICIAL DISTRICT, AND BRANCH COURT, IF ANY: SAN FRANCISCO SUPERIOR COURT 400 McAllister Street San Francisco, CA 94102		
CASE NAME: JOSEPH CROWE, JR., and ANNE CROWE vs. ASBESTOS DEFENDANTS (BHC)		
CIVIL COVER SHEET <input type="checkbox"/> Limited <input checked="" type="checkbox"/> Unlimited	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal Rules of Court, rule 1811) Please complete all five (5) items below.	CASE NUMBER: Assigned Judge: <div style="font-size: 2em; font-weight: bold;">414146</div>

1. Check one box below of the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) Other P/DPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input checked="" type="checkbox"/> Automobile (24) <input type="checkbox"/> Product Liability (24) <input type="checkbox"/> Medical malpractice (47) <input type="checkbox"/> Other P/DPD/WD (23) Non-P/DPD/WD (Other) Tort <input type="checkbox"/> Business tort/tortious business practice (27) <input type="checkbox"/> Civil rights (e.g., discrimination, false arrest) (24) <input type="checkbox"/> Defamation (e.g., slander, libel) (17) <input type="checkbox"/> Fraud (14) <input type="checkbox"/> Real estate property (19) <input type="checkbox"/> Professional negligence (e.g., legal malpractice) (25) <input type="checkbox"/> Other non-P/DPD/WD tort (23) Employment <input type="checkbox"/> Wrongful termination (36)	<input type="checkbox"/> Other employment (15) Contract <input type="checkbox"/> Breach of contract/warranty (26) <input type="checkbox"/> Collections (e.g., money owed, open book accounts) (28) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (27) Real Property <input type="checkbox"/> Business dispute/tenancy/condominium (14) <input type="checkbox"/> Wrongful eviction (32) <input type="checkbox"/> Other real property (e.g., quiet title) (24) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (20) <input type="checkbox"/> Petition for writ of habeas corpus (11)	<input type="checkbox"/> Writ of amparo (22) <input type="checkbox"/> Other judicial review (38) Provisionally Complex Civil Litigation (Cal Rules of Court, rules 1800-1812) <input type="checkbox"/> Antitrust/Trade regulation (23) <input type="checkbox"/> Construction defect (19) <input type="checkbox"/> Claims involving mass tort (40) <input type="checkbox"/> Securities litigation (24) <input type="checkbox"/> Toxic tort/Environmental (20) <input type="checkbox"/> Insurance coverage dispute arising from the above listed provisionally complex case types (41) Enforcement of judgment <input type="checkbox"/> Enforcement of judgment (e.g., money owed, foreign, non-judicial judgment) (20) Miscellaneous Civil Complaints <input type="checkbox"/> SLICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petitions <input type="checkbox"/> Petition and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☒ is ☐ is not complex under rule 1800 of the California Rules of Court. If case is complex, mark the factors requiring exceptional judicial management:

a. <input checked="" type="checkbox"/> Large number of separately represented parties b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input type="checkbox"/> Substantial amount of documentary evidence	d. <input type="checkbox"/> Large number of witnesses e. <input type="checkbox"/> Coordination and related actions pending in one or more courts in other counties, states or countries, or in a federal court f. <input type="checkbox"/> Substantial post-disposition judicial disposition
---	--

3. Type of remedies sought (check all that apply):  
 a. ☒ Monetary b. ☐ Nonmonetary, declaratory or injunctive relief c. ☒ Punitive

4. Number of causes of action (specify): 7

5. This case ☐ is ☒ is not a class action suit.

Dea: David R. Donadio  
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

• Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate, Family, or Welfare and Institutions Code). (Cal Rules of Court, rule 90.2.2.)

• File this cover sheet in addition to any cover sheet required by local court rule.

• If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties in the action or proceeding.

• Unless this is a complex case, this cover sheet shall be used for statistical purposes only.

Form Adopted for Mandatory Use  
Judicial Council of California  
Revised/Updated January 1, 2004

**CIVIL CASE COVER SHEET**

Cal Rules of Court, rule 90.2.2, (2004-01-01)  
Revisions of Judicial Administration, 7/07

A-8

1 DAVID R. DONADIO, ESQ., S.B. #154436  
 2 BRAYTON & PURCELL  
 3 Attorneys at Law  
 4 222 Rush Landing Road  
 5 P.O. Box 6169  
 6 Novato CA 94948-6169  
 7 (415) 898-1555

8 Attorneys for Plaintiffs

ENDORSED  
 FILED  
 San Francisco County Superior Court

JUL 2 - 2003

GOVERNMENT CLERK  
 BY: CHRISTOPHER J. BAKER  
 Deputy Clerk

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SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF SAN FRANCISCO

ANNE CROWE, Individually, and as  
 Successor-in-Interest to JOSEPH CROWE,  
 Deceased; and ANNE CROWE, JULIE  
 SHIELDS, JOSEPH CROWE, III, and  
 SEAN CROWE, as Legal Heirs of  
 JOSEPH CROWE, Deceased,

Plaintiffs,

vs.

ASBESTOS DEFENDANTS (B & P)  
 As Reflected on Exhibits B, C, H and  
 I; and DOES 1-8500.

No. 414146

FIRST AMENDED COMPLAINT FOR  
 SURVIVAL, LOSS OF CONSORTIUM,  
 WRONGFUL DEATH - ASBESTOS

BRAYTON & PURCELL  
 ATTORNEYS AT LAW  
 222 RUSH LANDING ROAD  
 P.O. Box 6169  
 NOVATO, CALIFORNIA 94948-6169  
 (415) 898-1555

1. JOSEPH CROWE (hereinafter and in the Complaint referred to as "decedent")  
 died on February 22, 2003.

2. ANNE CROWE is the Successor-in-Interest to decedent.

3. The heirs-at-law of decedent and their relationships to the decedent are:

NAME	AGE	RELATIONSHIP TO DECEDENT
ANNE CROWE	62	Spouse
JULIE SHIELDS	Over 18	Daughter
JOSEPH CROWE, III	Over 18	Son
SEAN CROWE	Over 18	Son

4. Plaintiffs bring this action as specified in Section 377.60 of the Code of Civil  
 Procedure as decedent's legal heirs.

5. Decedent's asbestos-related injury, date of diagnosis, employment status, and  
 history of exposure to asbestos are as stated on Exhibit A.

First Amended Complaint and Writ of Habeas Corpus  
 FIRST AMENDED COMPLAINT FOR SURVIVAL, LOSS OF CONSORTIUM, WRONGFUL DEATH -  
 ASBESTOS

A-9

7. Plaintiffs' claims are as set forth in ©Brayton♦Purcell Master Complaint for [Survival] [Loss of Consortium] Wrongful Death (hereinafter "Master Complaint") - Asbestos No. 828684 filed March 3, 2003, in San Francisco Superior Court. A copy of the Master Complaint and General Order No. 55 may be obtained upon request from Brayton♦Purcell, and designated portions of the Master Complaint are incorporated by reference herein pursuant to the authority conferred by General Order No. 55. Plaintiff's claims are as set forth in said Master Complaint against defendants herein as follows:

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2  
FIRST AMENDED COMPLAINT FOR SURVIVAL, LOSS OF CONSORTIUM, WRONGFUL DEATH  
ASBESTOS

A-10

Cause of Action	DEFENDANTS* ON EXHIBITS:												
	B	B-1	C	D	E	F	G	H	I	J	K	L	M
First (Negligence-Survival)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Second (Products Liability-Survival)	<input checked="" type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	
Third (False Representation)	<input checked="" type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>						
Fourth (Loss of Consortium)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fifth (Negligence-Wrongful Death)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sixth (Products Liability-Wrongful Death)	<input checked="" type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	
Seventh (Premises Owner/Contractor Liability)		<input type="checkbox"/>	<input checked="" type="checkbox"/>										
Eighth, Ninth, Tenth (Unseaworthiness, Negligence [Jones Act], Maintenance and Cure)				<input type="checkbox"/>									
Eleventh (Longshore and Harbor Workers Compensation Act [LHWCA])					<input type="checkbox"/>								
Twelfth, Thirteenth (F.E.L.A.)						<input type="checkbox"/>							
Fourteenth, Fifteenth (Respiratory Safety Devices)							<input type="checkbox"/>						
Sixteen, Seventeenth (Brake Shoe Grinding)							<input type="checkbox"/>						
Eighteenth (Concert of Action)								<input checked="" type="checkbox"/>					
Nineteenth, Eighteenth (Fraud, Deceit/Negligent Misrepresentation)									<input checked="" type="checkbox"/>				
Twentieth (Fraud and Deceit/Concealment)									<input type="checkbox"/>				
Twenty-First (Fraud and Deceit/Intentional Misrepresentation)									<input type="checkbox"/>				
Twenty-Second (Fraud/Deceit - Kent)										<input type="checkbox"/>			

\*and their alternate entities as set forth in the Master Complaint or on any Exhibit.

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1           8.     The Federal Courts lack subject matter jurisdiction over this action, as there is  
 2 no federal question and incomplete diversity of citizenship due to the presence of a California  
 3 defendant. Removal is improper. Every claim arising under the Constitution, treaties, or laws  
 4 of the United States is expressly disclaimed (including any claim arising from an act or  
 5 omission on a federal enclave, or of any officer of the U.S. or any agency or person acting under  
 6 him occurring under color of such office). No claim of admiralty or maritime law is raised.  
 7 Plaintiffs sue no foreign state or agency. Venue is proper in San Francisco County Superior  
 8 Court.

9           9.     Date of Marriage: November 27, 1964.

10     Dated: C. K. D.

BRAYTON ♦ PURCELL

11  
 12     By: [Signature]  
 13     David R. Donadio  
 14     Attorneys for Plaintiffs

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 E-Filed 09/17/04 by TANG WOLFE and  
 FIRST AMENDED COMPLAINT FOR SURVIVAL, LOSS OF CONSORTIUM, WRONGFUL DEATH  
 ASBESTOS

A-12

## EXHIBIT A

Decedent's exposure to asbestos and asbestos-containing products occurred at various locations both inside and outside the State of California, including but not limited to:

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
U.S. Coast Guard	U.S. Coast Guard Academy, New London, CT • Barracks 3 and 4; CGC EAGLE (AM-132); CGC CASCO (AVP-12); CGC ABSECON (AVP-23); CGC ROCKAWAY (AVP-29); CGC YAKUTAI (AVP-32)	Cadet	1958-1962
	Curtis Bay Yard, Baltimore, MD; CGC CONIFER (WLB-301)	Trainee	1962 (mid-summer) -1964
	Naval Air Station, Pensacola, FL • Mainside • Sherman Field • Ellyson Field; Naval Air Station, Whiting Field, Milton, FL	Trainee	1964-1965
	U.S. Coast Guard Air Station, San Francisco, CA (Berthing Facility) • Building F	Helicopter Pilot	1965-1968
	U.S. Air Force, Da Nang Air Force Base, Da Nang, Vietnam	Helicopter Pilot	1971-1972
	Coast Guard Air Station, Cape Cod, MA	Helicopter Pilot	1972-1976; 1986-1988

EXHIBIT A

5  
FIRST AMENDED COMPLAINT FOR SURVIVAL, LOSS OF CONSORTIUM, WRONGFUL DEATH - ASBESTOS

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## EXHIBIT A (Continued)

Employer	Location of Exposure	Job Title	Exposure Dates
U.S. Coast Guard (cont'd)	U.S. Coast Guard, Annette, AK	Helicopter Pilot	1977-1978
	U.S. Coast Guard, Port Angeles, WA	Helicopter Pilot	1981-1983
	U.S. Coast Guard, various locations including, but not limited to: U.S. Air Force, Pope AFB, Fort Bragg, NC; Portsmouth Naval Shipyard, Portsmouth, VA; Naval Air Station, Key West, FL; U.S. Coast Guard, South America	Helicopter Pilot	1983-1986
	11 <sup>th</sup> Coast Guard District, Long Beach, CA	Managing Director	1988-1990
Peninsula Community College, Port Angeles, WA	Peninsula Community College, Port Angeles, WA	Teacher	1990-1992
Joseph Crowe, Jr.	Joseph Crowe, Jr., various locations, Port Angeles, WA	Consultant	1992
Joseph Crowe, Jr.	Joseph Crowe, Jr., various locations, Port Angeles, WA	Arbitrator	1992-2002
Joseph Crowe, Jr., Amway Corp.	Joseph Crowe, Jr., Amway Corp., various locations, Port Angeles, WA	Salesman	1992 or 1993-2002
H & R Block, Port Angeles, WA	H & R Block, Port Angeles, WA	Teacher	1995-2002

NON-OCCUPATIONAL EXPOSURE:

Decedent recalled performing brake work on automobiles on approximately one or two occasions during the late 1950s or early 1960s. Plaintiff currently contends that the decedent was exposed to asbestos while performing this work.

EXHIBIT A

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FIRST AMENDED COMPLAINT FOR SURVIVAL LOSS OF CONSORTIUM, WRONGFUL DEATH - ASBESTOS

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EXHIBIT A (Continued)

Decedent's exposure to asbestos and asbestos-containing products caused severe and permanent injury to the decedent, including, but not limited to breathing difficulties, asbestosis, lung and/or other cancer, mesothelioma, and/or other lung damage. Decedent was diagnosed with mesothelioma on or about July 25, 2002.

Decedent retired from his last place of employment at regular retirement age. He had therefore suffered no disability from his asbestos-related disease as "disability" is defined in California Code of Civil Procedure §340.2.

EXHIBIT

7  
FIRST AMENDED COMPLAINT FOR SURVIVAL, LOSS OF CONSORTIUM, WRONGFUL DEATH  
ASBESTOS

A-15



EXHIBIT BDEFENDANTS

ASBESTOS CORPORATION LIMITED	BRIDGESTONE/FIRESTONE NORTH
BELL ASBESTOS MINES LTD.	AMERICAN TIRE, LLC
THOMAS DEE ENGINEERING CO., INC.	GENERAL MOTORS CORPORATION
FOSTER WHEELER CORPORATION	LEAR-SIEGLER DIVERSIFIED HOLDINGS CORP.
GARLOCK SEALING TECHNOLOGIES, LLC	MAREMONT CORPORATION
MACARTHUR COMPANY	STUART-WESTERN, INC.
OWENS-ILLINOIS, INC.	PARKER-HANNIFIN CORPORATION
PLANT INSULATION COMPANY	STANDARD MOTOR PRODUCTS, INC.
QUINTEC INDUSTRIES, INC.	MORTON INTERNATIONAL, INC.
RAPID-AMERICAN CORPORATION	GATKE CORPORATION
THORPE INSULATION COMPANY	BRASSBESTOS BRAKE LINING COMPANY
WESTERN MACARTHUR COMPANY	H. KRASNE MANUFACTURING COMPANY
WESTERN ASBESTOS COMPANY	RITESET MANUFACTURING COMPANY
PNEUMO ABEX CORPORATION	AUTO SPECIALTIES, INC.
HONEYWELL INTERNATIONAL, INC.	METALCLAD INSULATION CORPORATION
BUDD COMPANY, THE	AIRCRAFT BRAKING SYSTEMS CORPORATION
DAIMLERCHRYSLER CORPORATION	LOCKHEED MARTIN TACTICAL SYSTEMS, INC.
DANA CORPORATION	GOODRICH CORPORATION
FORD MOTOR COMPANY	NORTHROP GRUMMAN CORPORATION
	C.C. MOORE & CO. ENGINEERS

ALTERNATE ENTITY

FORD MOTOR COMPANY	BRITISH LEYLAND MOTORS, INC.
	BRITISH MOTOR CORPORATION
	JAGUAR CARS, INC.
	TRIUMPH
	LINCOLN CONTINENTAL
	AUSTIN HEALEY
GENERAL MOTORS CORPORATION	NEW DEPARTURE
	CHEVROLET
	A.C. DELCO CO.
	CADILLAC
	PONTIAC
	LaSALLE
	OLDSMOBILE
	GM GOODWRENCH

EXHIBIT C

<u>CONTRACTOR DEFENDANTS</u>	<u>LOCATION</u>	<u>TIME PERIOD</u>
PLANT INSULATION COMPANY	Various	Various
THORPE INSULATION COMPANY	Various	Various
WESTERN MACARTHUR COMPANY / MACARTHUR COMPANY / WESTERN ASBESTOS COMPANY	Various	Various

EXHIBITS B, C

A-116

EXHIBIT HDEFENDANTS

METROPOLITAN LIFE INSURANCE COMPANY	H. KRASNE MANUFACTURING COMPANY
PNEUMO ABEX CORPORATION	AUTO SPECIALTIES MANUFACTURING COMPANY
BURNS INTERNATIONAL SERVICES	STUART-WESTERN, INC.
CORPORATION (fka BORG-WARNER	RITESET MANUFACTURING COMPANY
AUTOMOTIVE, INC.)	ASBESTOS MANUFACTURING COMPANY
HONEYWELL INTERNATIONAL, INC. (successor-in-	FIBRE & METAL PRODUCTS COMPANY
interest to ALLIEDSIGNAL, INC.)	LASCO BRAKE PRODUCTS
THE BUDD COMPANY	L.J. MILEY COMPANY
DAIMLERCHRYSLER CORPORATION	ROSSENDALE-RUBOIL COMPANY
DANA CORPORATION	SOUTHERN FRICTION MATERIALS COMPANY
FORD MOTOR COMPANY	U.S. SPRING & BUMPER COMPANY
GENERAL MOTORS CORPORATION	AUTO FRICTION CORPORATION
BRIDGESTONE/FIRESTONE	EMSCO ASBESTOS COMPANY
NORTH AMERICAN TIRE, LLC	FORCEE MANUFACTURING CORPORATION
LEAR-SIEGLER DIVERSIFIED	MOLDED INDUSTRIAL FRICTION CORPORATION
HOLDINGS CORP.	NATIONAL TRANSPORT SUPPLY, INC.
MAREMONT CORPORATION	SILVER LINE PRODUCTS, INC.
MORTON INTERNATIONAL, INC.	STANDCO, INC.
PARKER-HANNIFIN CORPORATION	UNIVERSAL FRICTION MATERIALS COMPANY
STANDARD MOTOR PRODUCTS, INC.	WHEELING BRAKE BLOCK MANUFACTURING
GATKE CORPORATION	COMPANY
GARLOCK SEALING TECHNOLOGIES, LLC	BELL ASBESTOS MINES LTD.
BRASSBESTOS BRAKE LINING COMPANY	OWENS-ILLINOIS, INC.

ALTERNATE ENTITY

SILVER LINE PRODUCTS, INC.	SILVER LINE BRAKE CORP.
	SILVER-LINE BRAKE LINING CORP.

EXHIBIT IDEFENDANTS

METROPOLITAN LIFE INSURANCE COMPANY
OWENS-ILLINOIS, INC.
PNEUMO ABEX CORPORATION
GATKE CORPORATION
GARLOCK SEALING TECHNOLOGIES, LLC
AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, INC.
UNDERWRITERS LABORATORIES, INC.

EXHIBITS H, I

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 K:\ValueP23114CNP\_1A\MD\WOLF.C\wpd  
 FIRST AMENDED COMPLAINT FOR SURVIVAL, LOSS OF CONSORTIUM, WRONGFUL DEATH,  
 ASBESTOS

A-17

1 DAVID R. DONADIO, ESQ., S.B. #154436  
 2 BRAYTON ♦ PURCELL  
 3 Attorneys at Law  
 4 222 Rush Landing Road  
 5 P.O. Box 6169  
 6 Novato, California 94948-6169  
 7 (415) 898-1555

8 Attorneys for Plaintiffs

ENDORSED  
 FILED  
 San Francisco County Superior Court

JUL 02 2003

GORDON PARK-LI, Clerk  
 BY: Deputy Clerk

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SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF SAN FRANCISCO

JOSEPH CROWE, JR., and  
 ANNE CROWE,

Plaintiffs,

vs.

ASBESTOS DEFENDANTS (BHC).

No. 414146

ORDER APPOINTING ANNE CROWE  
 AS SUCCESSOR-IN-INTEREST TO, AND  
 SUBSTITUTE SUCCESSOR-IN-  
 INTEREST FOR, DECEASED PLAINTIFF  
 AND GRANTING LEAVE TO FILE  
 FIRST AMENDED COMPLAINT

Date: July 2, 2003  
 Time: 9:30 a.m.  
 Room: 302, Judge Quidachay  
 Trial Date: N/A  
 Filing Date: October 29, 2002

Plaintiff's Motion for an Order appointing ANNE CROWE, as decedent's successor-in-  
 Interest, for JOSEPH CROWE, JR., deceased, and substituting her for deceased plaintiff, and to file  
 a First Amended Complaint, came on regularly for hearing by the court on July 2, 2003, in  
 Room 302. The court having reviewed the moving [and opposing] papers filed herein, [and after  
 oral argument], and good cause appearing,

IT IS ORDERED that the motion to substitute ANNE CROWE as successor-in-interest of  
 decedent as plaintiff in his place and stead, and to file a First Amended Complaint, is granted;  
 and the First Amended Complaint is deemed served on all defendants previously appeared  
 herein, as of the date of the granting of the motion to amend.

Dated: JUL 02 2003 DONALD S. MITCHELL  
 Judge of the Superior Court

ORDER GRANTING LEAVE TO FILE FIRST AMENDED COMPLAINT

BRAYTON ♦ PURCELL  
 ATTORNEYS AT LAW  
 222 RUSH LANDING ROAD  
 P.O. BOX 6169  
 NOVATO, CALIFORNIA 94948-6169  
 (415) 898-1555

A-18

PROOF OF SERVICE BY MAIL

I am employed in the County of Marin, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 222 Rush Landing Road, P.O. Box 6169, Novato, California 94948-6169.

On 7-7-03, I served the within:

**ORDER APPOINTING ANNE CROWE AS SUCCESSOR-IN-INTEREST TO,  
AND SUBSTITUTE SUCCESSOR-IN-INTEREST FOR, DECEASED  
PLAINTIFF AND GRANTING LEAVE TO FILE FIRST AMENDED  
COMPLAINT**

on the interested parties in this action by transmitting a true copy thereof in the following manner.

I caused each of the above document(s) to be placed in a sealed envelope, postage thereon prepaid, addressed and served as follows:

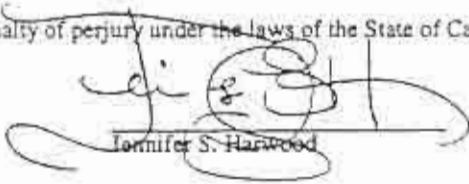
SEE ATTACHED LIST

## BY MAIL SERVICE:

I am readily familiar with the business practice at my place of business for collection and processing of correspondence for delivery by mail. Correspondence so collected and processed is deposited with the United States Postal Service on the same day in the ordinary course of business. On the above date the said envelope was collected for the United States Postal Service following ordinary business practices.

Executed 7-7-03, at Novato, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
Jennifer S. Harwood

Joseph Crowe, Jr., et al v. Asbestos Defendants (BHC)  
San Francisco Superior Court Case No. 414146

PROOF OF SERVICE BY MAIL.

BRAYTON PURCELL  
ATTORNEYS AT LAW  
222 RUSH LANDING ROAD  
P.O. BOX 6169  
NOVATO, CALIFORNIA 94948-6169  
(415) 896-1553

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 Matter Number: 28864-0. Crowe, Joseph L. Jr. (D)

Bridgestone/Pirelli North America  
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 2200 Powell Street  
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 Oakland, CA 94612  
 510-444-7688 510-444-5849

Berry & Berry  
 P.O. Box 16070  
 2310 Lakeshore Avenue  
 Oakland, CA 94612  
 510-835-8330 510-835-5127

Aircraft Braking Systems Corporation  
 Burke, Williams & Sorenson  
 450 Sansome Street, Suite 1200  
 San Francisco, CA 94111  
 415-395-1180 415-982-0824

Goodyear Tire & Rubber Company  
 Burke, Williams & Sorenson  
 450 Sansome Street, Suite 1200  
 San Francisco, CA 94111  
 415-982-1180 415-982-0824

Lockheed Martin Corporation  
 Burke, Williams & Sorenson  
 450 Sansome Street, Suite 1200  
 San Francisco, CA 94111  
 415-982-1180 415-982-0824

Lockheed Martin Tactical Systems  
 Burke, Williams & Sorenson  
 450 Sansome Street, Suite 1200  
 San Francisco, CA 94111  
 415-982-1180 415-982-0824

Ithorpe Insulation Company  
 Fox, Shofie, et al.  
 2130 South El Camino Real  
 2nd Floor  
 San Mateo, CA 94403  
 650-341-2901 650-341-2258

Goodrich Corporation  
 Glaspy & Glaspy  
 One Walnut Creek Center  
 100 Pringle Avenue, Suite 750  
 Walnut Creek, CA 94598  
 925-947-1100 925-947-1594

General Motors Corporation  
 Grace, Genson, Cosgrove & Schimz  
 444 South Flower Street  
 Suite 1100  
 Los Angeles, CA 90071  
 213-533-5400 213-533-5444

Thorne Insulation Company  
 Hill, Brandt & Lucky  
 757 West 9th Street  
 San Pedro, CA 90731  
 310-548-7882 310-548-4148

Foster Wheeler Corporation  
 Jackson & Wallace  
 55 Francisco Street  
 Sixth Floor  
 San Francisco, CA 94133  
 415-982-5200 415-982-6700

Pilot Insulation Company  
 Jackson & Wallace  
 55 Francisco Street  
 Sixth Floor  
 San Francisco, CA 94133  
 415-982-5200 415-982-6700

Northrop Grumman Corporation  
 McKenna Long & Aldridge  
 One Market, Spear Tower  
 Suite 1500  
 San Francisco, CA 94105-1475  
 415-267-4000 415-267-4198

Honeywell International, Inc.  
 Perkins Coie LLP  
 180 Townsend St., 7th Flr.  
 San Francisco, CA 94107  
 415-344-7000 415-344-7050

Gatke Corporation  
 Sedgwick, Detert, et al.  
 One Embarcadero Center  
 15th Floor  
 San Francisco, CA 94111  
 415-781-7800 415-781-2635

Pneumo Abex Corporation  
 Stevens, Drummond & Gifford  
 1310 Olympic Boulevard  
 Suite 150  
 Walnut Creek, CA 94596  
 925-944-5550 925-256-9659

DaimlerChrysler Corporation  
 Thelen, Reid & Priest, LLP  
 101 Second St., Ste 1800  
 San Francisco, CA 94105  
 415-371-1200 415-371-1211

Ford Motor Company  
 Thelen, Reid & Priest, LLP  
 101 Second St., Ste 1800  
 San Francisco, CA 94105  
 415-371-1200 415-371-1211

Rapid-American Corporation  
 Thelen, Reid & Priest, LLP  
 101 Second St., Ste 1800  
 San Francisco, CA 94105  
 415-371-1200 415-371-1211

Quintec Industries, Inc.  
 Walworth, Franklin, Devins & McCa  
 550 Montgomery Street  
 Eighth Floor  
 San Francisco, CA 94111  
 415-781-7074 415-391-6258

A-20

1 DAVID R. DONADIO, ESQ., S.B. #154436  
 2 NANCY T. WILLIAMS, ESQ., S.B. #201095  
 3 BRAYTON & PURCELL  
 Attorneys at Law  
 222 Rush Landing Road  
 Novato, California 94948-6169

4 Telephone: (415) 898-1555  
 5 Facsimile: (415) 898-1247

6 Attorneys for Plaintiffs

ENDORSED  
 FILED  
 San Francisco County Superior Court

JUN 9 - 2003

GORDON PARK-LI, Clerk  
 BY: CRISTINA E. BAUTISTA  
 Deputy Clerk

8 SUPERIOR COURT OF CALIFORNIA  
 9 COUNTY OF SAN FRANCISCO

11 JOSEPH CROWE, JR., and  
 12 ANNE CROWE,

13 Plaintiffs,

14 vs.

15 ASBESTOS DEFENDANTS (BHC)

No. 414146

DECLARATION OF ANNE CROWE  
 UNDER C.C.P. § 377.32

BRAYTON & PURCELL  
 ATTORNEYS AT LAW  
 222 RUSH LANDING ROAD  
 P.O. BOX 6169  
 NOVATO, CALIFORNIA 94948-6169  
 (415) 898-1555

16 The undersigned hereby declares:

17 1. I, ANNE CROWE, am over the age of 18 years and the surviving spouse of  
 18 decedent JOSEPH CROWE.

19 2. I make this declaration pursuant to Code of Civil Procedure Section 377.32 to  
 20 allow me to continue and/or commence any and all actions related to decedent's exposure to  
 21 asbestos which survive his death.

22 3. The name of the decedent is JOSEPH CROWE.

23 4. Decedent died in Port Angeles, Washington on February 22, 2003.

24 5. No proceeding is now pending in California for the administration of decedent's  
 25 estate.

26 6. The declarant is authorized to act on behalf of the decedent's successor-in-interest  
 27 (as defined in §377.11 of the California Code of Civil Procedure) with respect to the decedent's  
 28 interest in the action or proceeding.

DECLARATION OF ANNE CROWE UNDER C.C.P. §377.32

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1 7. No other person has a superior right to commence and/or continue the action or  
2 proceeding or to be substituted for the decedent in the pending action or proceeding.

3 8. A certified copy of decedent's death certificate is attached.

4 I declare under penalty of perjury under the laws of the State of California that the  
5 foregoing is true and correct and that this declaration was executed on 3-7-03 at  
6 Port Angeles, Washington.

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10 Anne Crowe  
11 Anne Crowe  
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2  
DECLARATION OF ANNE CROWE UNDER C.C.P. § 177.32

A-22

DEPARTMENT OF HEALTH									
0071					146				
LOCAL FILE NUMBER					STATE FILE NUMBER				
CERTIFICATE OF DEATH									
1. Name		2. Sex		3. Date of Birth		4. Death Date (Mo, Day, Yr)		5. Death Place	
Joseph Lawrence		Male		6-10-1940		2-22-2003		Greenburg, PA	
6. Age at Death		7. Marital Status		8. Birthplace (City, State or Foreign Country)		9. Was Decedent Ever in U.S. Armed Forces?		10. County of Death	
62		Married		Greenburg, PA		Yes		Clallam	
11. City, Town or Location of Death				12. Place of Death - Select one place, then give address or institution name				13. Buried in Last 15 Years (Yes/No)	
Port Angeles				392 Straff View Drive				No	
14. Marital Status - Current		15. Spouse's Name (Last, First, Middle Initial)		16. Social Security No.		17. Decedent's Education (School and highest grade completed)		18. Current Residence (City, State)	
Married		Anne B. O'Mahony		010-30-6799		5+		5+	
19. Usual Occupation (Class and kind of work done during year of reporting No. DO NOT USE RETIREMENT)		20. Kind of Business or Industry		21. Was Decedent at Present (Month of Decedent's Death) in U.S. Armed Forces? (Yes/No)		22. Race (Specify)		23. Place (Specify)	
Pilot		US Coast Guard		No		White			
24. Residence - Number and Street		25. City, Town or Location		26. Home City (State)		27. Length of Res. in CC		28. State	
392 Straff View Drive		Port Angeles		No		13 yrs.		WA	
29. Father's Name - First, Middle, Last		30. Mother's Name - First, Middle, Maiden Surname		31. Burial Address		32. City or Town		33. State	
Joseph Lawrence Crowe, Sr.		Sara Griffith		392 Straff View Drive		Port Angeles		WA	
34. Burial Address		35. City or Town		36. State		37. ZIP Code		38. Location - City, Town, State	
Anne Crowe		Port Angeles		WA		98362		Port Angeles, WA 98362	
39. Date of Burial		40. Cemetery or Crematory - Name		41. Address of Facility		42. Address of Facility		43. Address of Facility	
2-24-2003		Drennan-Ford Crematory		260 Monroe Rd.		Port Angeles, WA 98362		Port Angeles, WA 98362	
44. Name of Facility		45. Address of Facility		46. Address of Facility		47. Address of Facility		48. Address of Facility	
X Jeff D. Donato		Home & Crematory		Home & Crematory		Home & Crematory		Home & Crematory	
TO BE COMPLETED ONLY BY CERTIFYING PHYSICIAN					TO BE COMPLETED ONLY BY MEDICAL EXAMINER OR CORONER				
49. TO THE BEST OF MY KNOWLEDGE, DEATH OCCURRED AT THE TIME, DATE AND PLACE AND WAS DUE TO THE CAUSE(S) STATED					50. ON THE BASIS OF EXAMINATION AND/OR INVESTIGATION, IN MY OPINION DEATH OCCURRED AT THE TIME, DATE AND PLACE AND WAS DUE TO THE CAUSE(S) STATED				
Signature and Title: Daniel Selove MD					Signature and Title: X				
51. Date Signed (Mo, Day, Yr)					52. Date Signed (Mo, Day, Yr)				
2-23-2003					0600				
53. Name and Title of Attending Physician or Other Person Certifying Cause of Death					54. Pronounced Dead (Mo, Day, Yr)				
Daniel Selove, MD - 3031 Kromer Avenue, Everett, WA 98201					55. Hours Pronounced Dead (Mo, Day, Yr)				
56. ENTER THE DISEASE, INJURY, OR COMPLICATIONS WHICH CAUSED THE DEATH									
IMMEDIATE CAUSE (The cause of death, such as CHOKING, HEART FAILURE, SHOCK, OR RESPIRATORY ARREST, SHOCK OF HEART FAILURE, LIST ON ONE CAUSE ON EACH LINE. Secondary or contributory causes are indicated by "due to" or "as a consequence of".) UNDERLYING CAUSE (The primary cause of death, such as MYOCARDIAL INFARCTION, OR OTHER CAUSE OF HEART FAILURE, OR OTHER CAUSE OF DEATH.)									
1. mesothelioma with extensive metastases									
2. due to OR as a consequence of									
3. due to OR as a consequence of									
4. due to OR as a consequence of									
5. due to OR as a consequence of									
6. due to OR as a consequence of									
7. due to OR as a consequence of									
8. due to OR as a consequence of									
9. due to OR as a consequence of									
10. due to OR as a consequence of									
11. OTHER SIGNIFICANT CONDITIONS - CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE STATE ABOVE									
12. Autopsy (Yes/No)									
Yes									
13. Was Cause Reported to Medical Examiner or Coroner (Yes/No)									
No									
14. How, Under What Circumstances, or Pending Investigation?		15. Injury Date (Mo, Day, Yr)		16. Hour of Injury (24 Hrs)		17. Describe How Injury Occurred		18. Date Received (Mo, Day, Yr)	
								FEB 24 2003	
19. Injury at Work? (Yes/No)		20. Place of Injury - At Home, Farm, Street, Factory, Office, School, Etc. (Specify)		21. Location - Street or High Way No., City, Town, State		22. Date Received (Mo, Day, Yr)		23. Date Received (Mo, Day, Yr)	
24. Record Maintained (Permanent and Copy)		25. Decedent's Choice		26. Date Received (Mo, Day, Yr)		27. Date Received (Mo, Day, Yr)		28. Date Received (Mo, Day, Yr)	

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1 DAVID R. DONADIO, ESQ., S.B. #154436  
 2 BRAYTON ♦ PURCELL  
 3 Attorneys at Law  
 4 222 Rush Landing Road  
 5 P.O. Box 6169  
 6 Novato, California 94948-6169  
 7 (415) 898-1555

8 Attorneys for Plaintiffs

ENDORSED  
 SUPERIOR COURT  
 COUNTY OF SAN FRANCISCO

OCT 29 2002

GORDON PARKILL, CLERK  
 BY: PARAM NATT  
 Deputy Clerk

SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF SAN FRANCISCO

11 JOSEPH CRONE, JR., and  
 12 ANNE CROWE,

13 Plaintiffs,

14 vs.

15 ASBESTOS DEFENDANTS (BHC)

No. **414146**

PRELIMINARY FACT SHEET/NEW  
 FILING/ASBESTOS LITIGATION

(See General Order No. 129, In Re:  
Complex Asbestos Litigation)

NOTICE

18 TO NEW DEFENDANTS SERVED IN COMPLEX ASBESTOS LITIGATION IN THE  
 19 SUPERIOR COURT IN AND FOR THE STATE OF CALIFORNIA, CITY AND COUNTY OF  
 20 SAN FRANCISCO

21 You have been served with process in an action which has been designated by the Court  
 22 as complex litigation pursuant to Standard 19 of the Standards of Judicial Administration. This  
 23 litigation bears the caption "In Re: Complex Asbestos Litigation", [San Francisco Superior  
 24 Court No. 828684].

25 This litigation is governed by various general orders, some of which affect the judicial  
 26 management and/or discovery obligations, including the responsibility to answer interrogatories  
 27 deemed propounded in the case. You may contact the Court or Designated Defense Counsel,  
 28 Berry & Berry, P.O. Box 16070, 2930 Lakeshore Avenue, Oakland, CA 94610; Telephone:  
 (510) 835-8330; FAX: (510) 835-5117, for further information and/or copies of these orders, at  
 your expense.

1. State the complete name and address of each person whose claimed exposure to asbestos is  
 the basis of this lawsuit ("exposed person"): Joseph Crone, Jr., 392 Strait View Drive, Port  
Angeles, Washington 98362.

PRELIMINARY FACT SHEET/NEW FILING/ASBESTOS LITIGATION

ATTORNEYS AT LAW  
 222 RUSH LANDING ROAD  
 P.O. BOX 6169  
 NOVATO, CALIFORNIA 94948-6169  
 (415) 898-1555

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2. Does plaintiff anticipate filing a motion for a preferential trial date within the next four months? ☒ Yes ☐ No
- [If yes, the action will be governed by General Order No. 140; if no, the action will be governed by General Order No. 129.]
3. Date of birth of each exposed person in item one and, if applicable, date of death:
- Date of Birth: 6/10/40
- Date of Death: N/A
- Social Security Number of each exposed person:
- 010-30-6799
4. Specify the nature or type of asbestos-related disease alleged by each exposed person.
- ☐ Asbestosis ☒ Mesothelioma
- ☐ Pleural Thickening/Plaques ☐ Other Cancer: Specify: \_\_\_\_\_
- ☐ Lung Cancer Other Than Mesothelioma ☐ Other: Specify: \_\_\_\_\_
5. For purposes of identifying the nature of exposure allegations involved in this action, please check one or more:
- ☒ Shipyard ☒ Construction ☐ Friction-Automotive
- ☐ Premises ☐ Aerospace ☒ Military
- ☒ Other: Specify all that apply: Friction-Aircraft
- If applicable, indicate which exposure allegations apply to which exposed person.
6. Identify each location alleged to be a source of an asbestos exposure, and to the extent known, provide the beginning and ending year(s) of each such exposure. Also specify each exposed person's employer and job title or job description during each period of exposure. (For example: "San Francisco Naval Shipyard - Pipefitter - 1939-1948"). Examples of locations of exposure might be a specific shipyard, a specific railroad maintenance yard, or perhaps more generalized descriptions such as "merchant marine" or "construction". If an exposed person claims exposure during only a portion of a year, the answer should indicate that year as the beginning and ending year (e.g., 1947-1947).
- ///

Employer	Location of Exposure	Job Title	Exposure Dates
U.S. Coast Guard	U.S. Coast Guard Academy, New London, CT • Barracks 3 and 4; CGC EAGLE (AM-132); CGC CASCO (AVP-12); CGC ARSECON (AVP-23); CGC ROCKAWAY (AVP-29); CGC YAKUTAT (AVP-32)	Cadet	1958-1962
	Curtis Bay Yard, Baltimore, MD; CGC CONIFER	Trainee	1962 (mid-summer) -1964
	Naval Air Station, Pensacola, FL • Main side • Sherman Field • Ellyson Field; Naval Air Station, Whiting Field, Milton, FL	Trainee	1964-1965
	U.S. Coast Guard Air Station, San Francisco, CA (Berthing Facility) • Building F	Helicopter Pilot	1965-1968

(Attach Additional Pages, If Necessary) SEE ATTACHED CONTINUATION

7. For each exposed person who:

a. worked in the United States or for a U.S. agency outside the territorial United States, attach to the copy of this fact sheet provided to Designated Defense Counsel a fully executed Social Security Earnings authorization (Exhibit N-4 to General Order No. 129);

b. may have had a Social Security disability award or is no longer employed and whose last employment was not with a United States government agency, attach to the copy of this fact sheet provided to Designated Defense Counsel a fully executed Social Security Disability authorization (Exhibit N-5 to General Order No. 129);

c. served at any time in the United States military, attach to the copy of this fact sheet provided to Designated Defense Counsel two fully executed originals of the stipulation (Exhibit N-3 to General Order No. 129);

///

3  
PRELIMINARY FACT SHEET/NEW FILING/ASBESTOS LITIGATION

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1 d. was employed by the United States government in a civilian capacity, attach to the  
2 copy of this fact sheet provided to Designated Defense Counsel two fully executed originals of  
3 the stipulation (Exhibit N-3 to General Order No. 129).

4 8. If there is a wrongful death claim, attach to the copy of this fact sheet provided to Designated  
5 Defense Counsel a copy of the death certificate, if available. If an autopsy report was done, also  
6 attach a copy of it to the copy of this fact sheet provided to Designated Defense Counsel.

7 9. State the date of the filing of the initial complaint in this matter:

8 OCT. 29, 2002

9 By:



10 Attorney for Plaintiff



Employer	Location of Exposure	Job Title	Exposure Dates
U.S. Coast Guard (cont'd.)	U.S. Air Force, Da Nang Air Force Base, Da Nang, Vietnam	Helicopter Pilot	1971-1972
	Coast Guard Air Station, Cape Cod, MA	Helicopter Pilot	1972-1976; 1986-1988
	U.S. Coast Guard, Annette, AK	Helicopter Pilot	1977-1978
	U.S. Coast Guard, Port Angeles, CA	Helicopter Pilot	1981-1983
	U.S. Coast Guard, various locations including, but not limited to: U.S. Air Force, Pope AFB, Fort Bragg, NC; Portsmouth Naval Shipyard, Portsmouth, NH; Naval Air Station, Key West, FL; U.S. Coast Guard, South America	Helicopter Pilot	1983-1986
	11 <sup>th</sup> Coast Guard District, Long Beach, CA	Managing Director	1988-1990

#### NON-OCCUPATIONAL EXPOSURE:

Plaintiff recalls living in a home built in the 1930s from 1940 to 1958. Plaintiff recalls that this home at 70 Chestnut Street, Weston, Massachusetts, was heated by a coal furnace and a boiler. Plaintiff recalls emptying the coal bin which was near the boiler. Plaintiff currently contends that he may have been exposed to asbestos during this time.

Plaintiff recalls performing minor repair and maintenance work on five or six houses during his lifetime. Plaintiff recalls renovating a staircase at 1 Pheasant Lane, Sandwich, Massachusetts, in the early 1970s. Plaintiff currently contends that he may have been exposed to asbestos while performing this work.

Plaintiff recalls performing brake work on automobiles on approximately one or two occasions during the late 1950s or early 1960s. Plaintiff currently contends that he may have been exposed to asbestos while performing this work.

EXHIBIT B



## Service of Process Transmittal Form

Los Angeles, California

08/18/2004

Via Federal Express (2nd Day)

TO: Sandra Jack, Chief Paralegal  
 Textron Inc.  
 40 Westminster Street  
 Providence, RI 02903-0000

RE: PROCESS SERVED IN CALIFORNIA

FOR AVCO CORPORATION Domestic State: De

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

1. TITLE OF ACTION: Anne Crowe vs Asbestos Defendants (BP), et al incl. Avco Corporation
2. DOCUMENT(S) SERVED: Summons, Notice to Plaintiff, Civil Cover Sheet, First Amended Complaint, Exhibits, Declaration, Certificate of Death, Preliminary Fact Sheet, Answers to Interrogatories, Amendment to Complaint
3. COURT: Superior Court of California, County of San Francisco  
Case Number CGC02414146
4. NATURE OF ACTION: Complaint for personal injury/wrongful death due to exposure to asbestos and related materials. Seeking damages as described, cause and further relief.
5. ON WHOM PROCESS WAS SERVED: CT Corporation System, Los Angeles, California
6. DATE AND HOUR OF SERVICE: By Process server on 08/18/2004 at 12:10
7. APPEARANCE OR ANSWER DUE: Within 30 days
8. ATTORNEY(S): David R. Donadio  
Brayton Purcell  
222 Rush Landing Rd.  
415-898-1555  
Novato, CA 94945-2469
9. REMARKS: J-Note sent 08/18/2004 to SJACK@TEXTRON.COM

SIGNED CT Corporation System  
 PER Jere Keprios /GJ  
 ADDRESS 818 West Seventh Street  
 Los Angeles, CA 90017  
 SOP WS 0006543029

Information contained on this transmittal form is recorded for CT Corporation System's record keeping purposes only and to permit quick reference for the recipient. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information that can be obtained from the documents themselves. The recipient is responsible for interpreting the documents and for taking the appropriate action.

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# SUMMONS ON FIRST AMENDED COMPLAINT (CITATION JUDICIAL)

NOTICE TO DEFENDANT: (Aviso a Acusado)  
ASBESTOS DEFENDANTS (BOP)  
As Reflected on Exhibits B, C, H and I; and DOES 1-8500.  
and SEE ATTACHED LIST.

YOU ARE BEING SUED BY PLAINTIFF:

(A Ud. le está demandando)

ANNE CROWE, Individually, and as Successor-in-Interest to JOSEPH CROWE, Deceased; and ANNE CROWE, LLIE SHIELDS, JOSEPH CROWE, III, and SEAN CROWE, as Legal Heirs of JOSEPH CROWE, Deceased.

AUG 18 2004

at 12:10  
mw

You have 30 CALENDAR DAYS after this Summons is served on you to file a typewritten response at this court.

A letter or phone call will not protect you; your typewritten response must be in proper legal form if you want the court to hear your case.

If you do not file your response on time, you may lose the case, and your wages, money and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

Después de que le entreguen esta citación judicial usted tiene un plazo de 30 DÍAS CALENDARIOS para presentar una respuesta escrita a máquina en esta corte.

Una carta o una llamada telefónica no le ofrecerá protección; su respuesta escrita a máquina tiene que cumplir con las formalidades legales apropiadas si usted quiere que la corte escuche su caso.

Si usted no presenta su respuesta a tiempo, puede perder el caso, y le pueden quitar su salario, su dinero y otras cosas de su propiedad sin aviso adicional por parte de la corte.

Existen otros requisitos legales. Puede que usted quiera llamar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de referencia de abogados o a una oficina de ayuda legal (vea el directorio telefónico).

CASE NUMBER (Número del Caso)

The name and address of the court is: (El nombre y dirección de la corte es)  
SAN FRANCISCO COUNTY SUPERIOR COURT  
400 McAllister Street  
San Francisco, CA 94102

414146

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)

DAVID R. DONADIO, ESQ., STATE BAR NO. 154435  
BRAYTON+PURCELL  
222 Rush Landing Road  
Novato, CA 94948-8169

(415) 898-1555

GORDON PARK-LI

Cristina Bautista

DATE: JUL 2 - 2003  
(Fecha)

Clerk, by: *Cristina Bautista* Deputy  
(Demagado)

NOTICE TO PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☒ as the person sued under the fictitious name of (specify): Doe #5
3. ☒ on behalf of (specify): Avco Corporation  
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.80 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association of partnership) ☐ CCP 416.90 (individual)  
☐ other:
4. ☒ by personal delivery on (date): AUG 18 2004

Form Adopted by Rule 582  
Judicial Council of California  
382(a)(3) (Rev. January 1, 1994)

"Mandatory Form"

(See reverse for proof of Service)  
SUMMONS ON FIRST AMENDED COMPLAINT

CCP 416.10  
CEB

B-2



BRAYTON & PURCELL  
ATTORNEYS AT LAW  
212 RUSH LANE ROAD  
PO BOX 616  
NOVATO, CALIFORNIA 94948-6169  
(415) 898-1533

1 ASBESTOS CORPORATION LIMITED  
2 BELL ASBESTOS MINES LTD.  
3 THOMAS DEE ENGINEERING CO., INC.  
4 FOSTER WHEELER CORPORATION  
5 GARLOCK SEALING TECHNOLOGIES, LLC  
6 MACARTHUR COMPANY  
7 OWENS-ILLINOIS, INC.  
8 PLANT INSULATION COMPANY  
9 QUINTEC INDUSTRIES, INC.  
10 RAPID-AMERICAN CORPORATION  
11 THORPE INSULATION COMPANY  
12 WESTERN MACARTHUR COMPANY  
13 WESTERN ASBESTOS COMPANY  
14 PNEUMO ABEX CORPORATION  
15 HONEYWELL INTERNATIONAL, INC.  
16 THE BUDD COMPANY  
17 DAIMLERCHRYSLER CORPORATION  
18 DANA CORPORATION  
19 FORD MOTOR COMPANY  
20 BRIDGESTONE/FIRESTONE NORTH AMERICAN TIRE, LLC  
21 GENERAL MOTORS CORPORATION  
22 LEAR-SIEGLER DIVERSIFIED HOLDINGS CORP.  
23 MAREMONT CORPORATION  
24 STUART-WESTERN, INC.  
25 PARKER-HANNIFIN CORPORATION  
26 STANDARD MOTOR PRODUCTS, INC.  
27 MORTON INTERNATIONAL, INC.  
28 GATKE CORPORATION  
BRASSBESTOS BRAKE LINING COMPANY  
H. KRASNE MANUFACTURING COMPANY  
RITESET MANUFACTURING COMPANY  
AUTO SPECIALTIES, INC.  
METALCLAD INSULATION CORPORATION  
AIRCRAFT BRAKING SYSTEMS CORPORATION  
LOCKHEED MARTIN TACTICAL SYSTEMS, INC.  
GOODRICH CORPORATION  
NORTHROP GRUMMAN CORPORATION  
C.C. MOORE & CO. ENGINEERS  
ASBESTOS MANUFACTURING COMPANY  
FIBRE & METAL PRODUCTS COMPANY  
LASCO BRAKE PRODUCTS  
L.J. MILEY COMPANY  
ROSSENDALE-RUBOIL COMPANY  
SOUTHERN FRICTION MATERIALS COMPANY  
U.S. SPRING & BUMPER COMPANY  
AUTO FRICTION CORPORATION  
EMSCO ASBESTOS COMPANY  
FORCEE MANUFACTURING CORPORATION  
MOLDED INDUSTRIAL FRICTION CORPORATION  
NATIONAL TRANSPORT SUPPLY, INC.  
SILVER LINE PRODUCTS, INC.

E:\Users\j2384\COMP-1\AMC\WDSLC and

10

FIRST AMENDED COMPLAINT FOR SURVIVAL, LOSS OF CONSORTIUM, WRONGFUL DEATH-  
ASBESTOS

B-3

1 STANDCO, INC.  
2 UNIVERSAL FRICTION MATERIALS COMPANY  
3 WHEELING BRAKE BLOCK MANUFACTURING COMPANY  
4 METROPOLITAN LIFE INSURANCE COMPANY  
5 AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, INC.  
6 UNDERWRITERS LABORATORIES, INC.  
7 and DOES 1-820,  
8  
9 Defendants.  
10  
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Anne Crowe, et al. vs. Asbestos Defendants (BHC)  
San Francisco San Francisco Superior Court No. 414146

11  
FIRST AMENDED COMPLAINT FOR SURVIVAL, LOSS OF CONSORTIUM, WRONGFUL DEATH -  
ASBESTOS

B-4

CASE NUMBER: CGC-02-414148 JOSEPH CROWE JR VS. ASBESTOS DEFENDANTS (BHC)

**NOTICE TO PLAINTIFF**

This case is assigned to Plan II. A Case Management Conference is set for:

DATE: DEC-18-2003

TIME: 1:30PM

PLACE: Department 206  
400 McAllister Street  
San Francisco, CA 94102-3680

All parties must appear and comply with Local Rule 3.3 and 3.4 (Effective July 1, 1998) (Revised January 1, 2002)

No later than 15 calendar days before the Case Management Conference all parties must file a Case Management Statement (CM-110) and lodge a courtesy copy in Department 212.

Plaintiff must serve a copy of this notice upon each party to this action with the summons and complaint. Proof of service subsequently filed with this court shall so state.

**NOTICE TO DEFENDANT**

This Notice does not effect defendant's obligation to file a response to the complaint within thirty (30) Days after service, as indicated on the summons.

B-5

CASE NUMBER: CGC-02-414148 JOSEPH CROWE JR VS. ASBESTOS DEFENDANTS (BHC)

**NOTICE TO PLAINTIFF**

This case is assigned to Plan II. A Case Management Conference is set for:

DATE: DEC-18-2003

TIME: 1:30PM

PLACE: Department 206  
400 McAllister Street  
San Francisco, CA 94102-3680

All parties must appear and comply with Local Rule 3.3 and 3.4 (Effective July 1, 1998) (Revised January 1, 2002)

No later than 15 calendar days before the Case Management Conference all parties must file a Case Management Statement (CM-110) and lodge a courtesy copy in Department 212.

Plaintiff must serve a copy of this notice upon each party to this action with the summons and complaint. Proof of service subsequently filed with this court shall so state.

**NOTICE TO DEFENDANT**

This Notice does not effect defendant's obligation to file a response to the complaint within thirty (30) Days after service, as indicated on the summons.

B-6